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[1] one to two jobs per year for Air Base?
[2] **A.** If that. That's not a definite. It was
[3] if that. I mean, there was sometimes there
[4] would be a year go by where we didn't do no
[5] work for them.
[6] **Q.** When you were working at the Lomax Carpet
[7] address, was it your understanding that you
[8] were doing work for Air Base?
[9] **MR. MINTZER:** Objection.
[10] **BY MR. CASEY:**
[11] **Q.** It was your understanding that when you
[12] were working at the Lomax Carpet address you
[13] were doing work for Air Base; is that correct?
[14] **MR. MINTZER:** Objection.
[15] **MR. SMALL:** Objection to the form,
[16] but you can answer.
[17] **THE WITNESS:** Correct, yes.
[18] **BY MR. CASEY:**
[19] **Q.** Who hired you to do the job at the 3220
[20] Coachman Road address for August 30, 2002?
[21] **A.** That was John Manger.
[22] **Q.** It's the same John Manger who was
[23] construction manager for Air Base?
[24] **A.** Correct.

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[1] **Q.** He's the same gentleman who hired you to
[2] work at Lomax Carpet Mart?
[3] **A.** That's correct.
[4] **Q.** On what day, sir, did the work begin for
[5] that project, do you remember?
[6] **A.** No, sir.
[7] **Q.** My question is not perfectly clear. The
[8] incident in question, do you understand,
[9] occurred on August 30, 2002. Do you understand
[10] that to be the case, sir?
[11] **A.** Yes, correct.
[12] **Q.** For how many days prior to August 30,
[13] 2002, if any, were you folks from Ashland
[14] Construction Company, Inc. on the premisses?
[15] **MR. SMALL:** Again, I'm going to
[16] object and instruct him not to answer.
[17] This is not going to the jurisdiction
[18] argument. This is going to the
[19] substance of the case, Matt.
[20] **MR. CASEY:** Mike, I'm not going to
[21] get into the substance of the case. It
[22] will relate to --
[23] **MR. SMALL:** How does how many days
[24] he worked at a Delaware address get into

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[1] anything with jurisdiction in
[2] Pennsylvania?
[3] **MR. CASEY:** I can find out who he
[4] talked to and who hired him for the job
[5] and who he interacted with, pursuant to
[6] specific jurisdiction.
[7] **MR. SMALL:** He answered that
[8] question.
[9] **MR. CASEY:** He told me who hired
[10] him. I want to know if he was there for
[11] a few days, with whom he had
[12] conversations. That does relate
[13] potentially to specific jurisdiction.
[14] I'm not going to ask him about the event
[15] itself. I'm going to ask about his work
[16] there and who was controlling it.
[17] That's what I want to know.
[18] **MR. SMALL:** That's fine, but again
[19] that is a different question.
[20] **MR. CASEY:** If you would let me just
[21] finish I think you will understand why
[22] I'm asking the question. I'm not
[23] getting into the substance of the event,
[24] all right.

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[1] **MR. SMALL:** That's fine.
[2] **BY MR. CASEY:**
[3] **Q.** Sir, were you there for any period of
[4] days prior to August 30, 2002?
[5] **A.** Now I don't understand the question.
[6] **Q.** Sure. The event occurred on August 30,
[7] 2002. You understand that?
[8] **A.** We're talking about at 3220 Coachman
[9] Road?
[10] **Q.** Yes.
[11] **A.** Okay.
[12] **Q.** You understand that that event in
[13] question occurred on August 30, 2002?
[14] **A.** Okay.
[15] **Q.** Do you understand that?
[16] **A.** Yes.
[17] **Q.** For how many days, if any, were you
[18] folks, from Ashland Construction Company, Inc.
[19] on the premises at 3220 Coachman Road prior to
[20] August 30, 2002?
[21] **A.** Okay. To understand the question, are
[22] you asking me how long this job took me to do?
[23] **Q.** Yes. For example, did it start on the 25
[24] of August?

[1] A. No. If I can remember this started, it
[2] started before this incident happened. I would
[3] say the job probably started, I would probably
[4] say about seven days before this incident
[5] occurred.
[6] Q. What was the job?
[7] A. I'm sorry?
[8] Q. Let me back up a second. Would you have
[9] documentation to reflect the specifics of the
[10] job that you were doing there, including the
[11] day on which it started?
[12] A. No, I don't keep a set of files of when I
[13] start a job and each day that I'm there, no,
[14] sir.
[15] Q. Would you have any documentation relating
[16] to the job that you were doing at this time at
[17] the 3220 Coachman Road address?
[18] A. When you say documentation, I guess, Mr
[19] Casey, I don't understand. As far as you mean
[20] writing each day down I worked there?
[21] Q. No. Do you have any documentation that
[22] would reflect any work that you did on this
[23] job?
[24] A. You mean as far as receipts?

[1] A. Air Base Carpet.
[2] Q. Do you believe you have a copy of a
[3] cancelled check?
[4] A. I would have to check.
[5] MR. SMALL: How would he have a copy
[6] of a cancelled check?
[7] BY MR. CASEY:
[8] Q. I'm sorry. Do you believe you have a
[9] copy of the check?
[10] A. I doubt if I have the copy of a check.
[11] As far as I can answer on that I want to say
[12] no, until I can go through my files and see.
[13] Q. How is it that you believe that you
[14] received a check from Air Base for the job?
[15] A. I don't understand the question again.
[16] Q. You answered, when I asked you from what
[17] source you received a check, you told me from
[18] Air Base?
[19] A. Correct.
[20] Q. Why did you answer that way?
[21] A. Well, that's where my bill went to, and
[22] Air Base would have wrote the check to me.
[23] Q. And you remember that?
[24] A. Yes.

[1] Q. Any documents. Listen to my question.
[2] Do you have any documents to reflect the work
[3] that you did at 3220 Coachman Road?
[4] A. No.
[5] Q. No documents whatsoever?
[6] A. I would have material receipts, if that's
[7] the question you're asking me.
[8] Q. I'm sorry, you have what?
[9] A. Material receipts.
[10] Q. You have material receipts. Do you have
[11] any other documents?
[12] A. I mean as far as, I mean, documents as
[13] far as bills? I don't understand what you're
[14] asking me. Again, my documents, as far as my
[15] work is concerned, it would be materials. And
[16] that's about the extent of it, and my labor.
[17] Q. So you would have documents relating to
[18] materials and labor?
[19] A. Yes, I would have to research it. I'm
[20] sure they're in there somewhere.
[21] Q. How were you paid for the job?
[22] A. Through check.
[23] Q. From what source did you receive the
[24] check?

[1] Q. What was the amount of the job, the
[2] amount of money that you billed?
[3] A. I think, I can't remember, ballpark off
[4] the top of my head, I think it was 13, 14
[5] thousand.
[6] Q. What was the job that you were doing in
[7] this time period, August of 2002, at the
[8] Coachman Road address?
[9] MR. SMALL: Matt, you seem to be
[10] getting afield here. I'm going to,
[11] you're not going into anything with
[12] jurisdiction in Pennsylvania. You're
[13] asking him now to describe the entire
[14] job. That's not what you said you were
[15] going to go into.
[16] MR. CASEY: I'm going to do that.
[17] MR. SMALL: Matt, then go there.
[18] This is not a discovery deposition.
[19] This is a jurisdiction deposition.
[20] MR. CASEY: I know and I'm going to
[21] ask him jurisdiction questions once I
[22] establish a foundation for what they're
[23] doing.
[24] MR. SMALL: We've been 40 minutes

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establishing a foundation.

MR. CASEY: No, we haven't, Mike. We've actually established a lot of things on the subject of venue and jurisdiction and I think you know that. If you would, just, I would ask for your indulgence on that, Mike, and your courtesy to let me ask questions. They relate to venue and jurisdiction.

MR. SMALL: I've been giving you latitude. I'm going to instruct him not to answer. You can start asking him questions relating to jurisdiction in Pennsylvania. He is not going to describe the job. That is more of a discovery deposition, which is not what we're here for today.

MR. CASEY: You're instructing him not to answer the question?

MR. SMALL: To describe the job, yes.

MR. CASEY: That's fine.

BY MR. CASEY:

Q. Did you have any contact, during the time

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were performing while you were performing it?

A. Just, actually just minor little stuff, if he wanted a different way of a curve to be put into the wall or a different pattern of the brick to be laid, that was about the extent of it.

Q. I take it the answer to my question is yes and the specifics that you remember related to those two subjects that you just told me about?

A. Right, if the scenario of that --

Q. I'm sorry?

A. If the scenario, yes, that is what it was.

Q. Were you supervising the job that was being done at the Coachman Road address?

A. That's correct, yes.

Q. I would like you to tell me the names of any other persons who assisted you with this job, other than Mr. Ortiz?

A. That is all that was there with me.

Q. Your recollection is that the job began approximately one week before, correct?

A. Correct.

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that you were doing this job, with Richard Longwill?

A. I mean, I have talked to Richard a couple of times.

Q. My question is, just try and relax and listen to my question, if you would. Did you have any contact with Richard Longwill during the time that you were doing this job at the Coachman Road address?

A. As far as contact, I don't understand. Did I see his presence? Is that what you're asking me?

Q. Why don't you start with that, sure.

A. I saw Richard a couple of times when he, actually when he got home but that was about the extent of it.

Q. I don't understand what you just told me, sir.

A. I mean, I would be out there working and Richard would pop his head through the door and say how you doing, fine. That was the extent of our conversation pretty much.

Q. Did you have any specific conversation with Richard Longwill about the job that you

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Q. And for that span of time, approximately a week before, until August 30, 2002, the only persons working at the job and on the job were yourself and Mr. Ortiz?

A. That is correct, sir.

Q. Did Ashland Construction Company, Incorporated have any vendors in the Commonwealth of Pennsylvania?

MR. SMALL: I object. How would he know -- I'm sorry, never mind.

THE WITNESS: Repeat the question.

BY MR. CASEY:

Q. Did Ashland Construction Company, Incorporated have any vendors in the Commonwealth of Pennsylvania?

A. When you say vendors, what do you mean by that? Our supplies, our materials, I don't quite comprehend your question.

Q. You don't comprehend it?

A. No. When you say vendors, what do you mean?

Q. What do you think I mean?

MR. SMALL: Well, Matt, --

THE WITNESS: Do you want to know

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[1] other business activities?
[2] A. No, sir.
[3] Q. How many employees did Ashland
[4] Construction, Inc. have?
[5] A. I would say probably a total of between
[6] five or six people.
[7] Q. When did the company first come into
[8] existence?
[9] A. I would say back in '99.
[10] Q. Was there a company that preceded it,
[11] that came before it?
[12] A. There was Rockford Construction that was
[13] before that.
[14] Q. Rockford Construction?
[15] A. Yes.
[16] Q. Rockford Construction, Inc. or Rockford
[17] Construction Company?
[18] A. No, it was incorporated.
[19] Q. Rockford Construction, Incorporated?
[20] A. Yes.
[21] Q. Spelled R O C K F O R D?
[22] A. Yes.
[23] Q. Did you and your brother own that company
[24] together?

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[1] A. Yes, we did.
[2] Q. Where was that company located?
[3] A. Same place, 1800 West 11th Street.
[4] Q. For how long was that company in
[5] existence prior to 1999?
[6] A. I would say probably six, seven years, if
[7] not longer.
[8] Q. And were you similarly engaged as masonry
[9] contractors?
[10] A. Yes.
[11] Q. Did Rockford Construction do any work in
[12] the Commonwealth of Pennsylvania?
[13] A. No, very, again, just a small percentage,
[14] which we would have done.
[15] Q. Well, that is two different things. You
[16] said no and then you said a small percentage.
[17] I just want to know which one it is?
[18] A. I mean, I can't remember back that far.
[19] I can't, I don't know exactly what we would
[20] have done back that period of time.
[21] Q. Do you have records from Rockford
[22] Construction?
[23] A. I would have to check, I have no clue.
[24] Q. Who would you check with?

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[1] A. I guess I would try the accountant.
[2] Q. Who is the accountant?
[3] A. It would have been Dingle and Kane.
[4] Q. Is that a Wilmington accounting firm?
[5] A. Yes.
[6] Q. Have they been your accountants since you
[7] were with Rockford?
[8] A. They came in say midway with Rockford.
[9] Q. And they stayed with you through the
[10] Ashland Construction Company Inc. phase?
[11] A. That is correct.
[12] MR. CASEY: Let's take a two minute
[13] break.
[14] (Whereupon there was a short
[15] recess.)
[16] BY MR. CASEY:
[17] Q. Sir, we took a short break. Are you
[18] prepared to continue?
[19] A. Yes.
[20] Q. At any time during the period you were
[21] working at the Coachman Road address did Mr.
[22] Manger come out to the premises?
[23] A. Couple times he did. That's the extent
[24] as far as what Mr. Manger came out.

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[1] Q. Sir, other than, I want to make sure I'm
[2] clear. I am not asking you for your specific
[3] information on this subject, but I just want to
[4] know generally speaking, whether there is any
[5] other Pennsylvania entity, besides your
[6] supplier in Ridley Park, that in the day-to-day
[7] business of Ashland Construction, you had
[8] contact with?
[9] A. No. That's it. The farthest we go to
[10] would be Fazzino's, which would deliver us
[11] block, that is it as far as suppliers would be
[12] with us.
[13] Q. Excluding suppliers, I mean any business
[14] activity of yours, any contacts at all with the
[15] Commonwealth of Pennsylvania by Ashland
[16] Construction Company?
[17] A. Correct, yes.
[18] MR. CASEY: Those are all the
[19] questions I have. Thank you.
[20]
[21] (Witness excused.)
[22] (Deposition concluded.)
[23]
[24]